

PUBLIC MEETING
February 19, 2002

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioners Varone and Loendorf were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Cheryl Liedle, Lynn Michel, Cheryl Green, Michael McHugh, Anton Hackman, Ken and Lola Barrett, John Harrington, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Contract Amendment for Added Security at Canyon Ferry Recreation Area. Cheryl Liedle reported that as a result of the September 11 terrorist attack this contract with Bureau of Reclamation is for added security at the Canyon Ferry recreation area and the power plant. During the summer, the area will be covered by two officers. The cost of the additional deputy is being paid by BOR in the amount of \$42,220.64 covering the cost of a full time deputy and mileage. Commissioner Loendorf moved to approve the contract amendment and authorize the chairman to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes and Assessments Paid. Cheryl Green reported that the Roman Catholic Bishop of Helena was granted an exemption for the year 2001. The Department of Revenue has revised the second half payment. Staff recommended granting a refund for the first half tax payment in the amount of \$1,335.30. Commissioner Loendorf moved to table this to Thursday, February 21 to obtain the physical address of this property. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes and Assessments Paid. The refund to Clark and Lisa Cummings in the amount of \$509.00 is an erroneous assessment due to overvaluation of their property. Commissioner Varone moved to grant the refund and authorize the chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Consideration of a Resolution for Levying and Assessing a Special Assessment on Property within the Pleasant Valley Subdivision Rural Improvement No. 81-1 to Defray the Cost of Lighting, in Accordance with Section 7-12-2202, MCA. This RID was created and established through Resolution 1981-47. Sharon Haugen reported this resolution is to increase the rate for the lighting district for the Pleasant Valley Subdivision from .008790 per square foot to \$.01147 psf. This equates to an increase of \$2.27 per month or \$27.24 per year. The last increase was in 1997. The district is spending its cash reserves. Staff recommended this increase. Nancy Everson reported that this increase is due to the increase of electrical rates since 1997. The lighting district has been using its cash reserves and currently goes negative before November and May tax collections. The county charges the fund interest at 7%. This rate

increase will account for the increase in electricity prices and give this fund an adequate cash reserve.

The Commission opened the public hearing.

Anton Hackman, 3855 Kandy Drive, Montana Power Company has been advertising a drop in electric rates; he is on a fixed income and therefore opposes this rate increase.

Hearing no other comments, the public hearing is closed. Commissioner Varone believes this to be a reasonable increase to bring it back into a healthy situation so it doesn't run in arrears and have to pay interest on deficit money.

Commissioner Varone moved to approve the resolution and authorize the chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Consideration of a Resolution for Levying and Assessing a Special Assessment on Property within the Green Acres Rural Improvement District No. 2001-8 to Defray the Cost of Road Maintenance, in Accordance with Section 7-12-2158, MCA. This RID was created and established through Resolution 2001-70. Andy Skinner has requested a written postponement of this action to further determine the assessment amount. Staff recommended the public hearing be postponed until March 19 to allow adequate time for staff to meet with Mr. Skinner, his representatives, and the county engineers to look at the roads and to develop cost estimates.

Hearing no public comments, the public hearing is closed. Commissioner Loendorf moved to table the public hearing to March 19. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Summary Review, Barrett Minor Lot 1A Amended Plat. The applicants proposed to create two lots, each for one single-family dwelling. The proposal is generally located east of Green Meadow Drive north of Norris Road. The applicants Ken and Lola Barrett were present and indicated their willingness to proceed. Michael McHugh presented the staff report. Currently, there is no zoning in the area but there are covenants on the property. Staff's main concern with this proposal is its proximity to the irrigation canal. Staff recommended that adequate fencing be establishment recognizing the canal easement. The applicants have proposed to utilize a shared access easement off Green Meadow Drive and will be required to obtain an approach permit from MDT for direct access onto Green Meadow Drive, and to provide a hard-surface apron extending a minimum of 15 feet from the existing road edge. The West Valley Volunteer Fire Department has requested that the applicants contribute \$200 per lot to contribute to fire protection services. There is no impact on wildlife habitat, no floodplain, or identified groundwater contamination in this area. There is some evidence for exposure to radon gas. A fault line is located 100 feet to the north and east to the property. The Scratch Gravel fault line is located south of the subject property. Mitigation can be minimized through compliance with construction standards. This proposal does comply with all subdivision regulations

concerning designing requirements and there is no parkland dedication requirement. Staff recommended approval with 12 conditions as outlined in the staff report.

Mrs. Barrett stated she and her husband concur with the proposed conditions.

Hearing no comments, the chairman closed this portion of the public hearing. Commissioner Varone moved to approve the proposal subject to 12 conditions as recommended by staff. Commissioner Loendorf seconded the motion.

Amendments to Conditions of Approval.

Condition 6. Commissioner Varone moved to delete the canal fencing requirement. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Condition 9.a. Commissioner Varone moved to delete the radon risk condition. The motion died for the lack of a second.

Condition 9.b. Although Commissioner Varone supports building to the UBC requirement, she moved to delete the UBC requirement because the county has not yet adopted the building code provisions. The motion died for the lack of a second.

Condition 9.c. Commissioner Varone moved to delete the road maintenance agreement and waiver of right to protest joining a maintenance district condition. This is the same as zoning. The motion died for the lack of a second.

Condition 9.h. Commissioner Varone moved to delete the waiver of right to protest joining a community water or wastewater treatment system improvement or maintenance district condition. This is a zoning requirement that should not be imposed on the applicant. The motion died for the lack of a second.

Condition 10.f. Commissioner Varone concurred that with the removal of condition 6, this condition will be removed as well.

Amendments to Findings and Conclusions.

Finding 1.f. Commissioner Varone moved to modify this finding as follows: Residential development near or adjacent to irrigation facilities may increase the potential for vandalism and damage to those facilities. There may also be a potential for accumulation of trash and debris in the canal. (The remainder of the paragraph to remain as written) Commissioner Murray seconded the motion and it carried unanimously.

Conclusion 1. Commissioner Varone moved to change this conclusion to read: This proposal has no adverse effects on agricultural lands and agricultural operations. The motion died for the lack of a second.

Conclusion 2. Commissioner Varone moved to change this conclusion to read: This proposal may have minimal adverse effects on local services, but the conditions of approval are designed to mitigate the adverse impacts identified above. The motion died for the lack of a second.

Finding 3.i. Commissioner Varone moved to modify this finding to read: The soil mapping unit identified on the subject property is extremely susceptible to erosion. The motion died for the lack of a second.

Finding 4. Commissioner Varone moved to modify this finding to read: no threatened or endangered species or habitats. ~~were identified~~. The motion died for the lack of a second.

Finding 5.d. Commissioner Varone moved to modify the second sentence to read: The canal may present an attractive nuisance for young, unsupervised children. Comm. L seconded the motion and it carried unanimously.

Conclusion 5. Commissioner Varone moved to modify the conclusion to read: This proposal ~~would~~ may have adverse effects on public health and safety, but the conditions of approval are designed to mitigate the adverse impacts identified above. Commissioner Loendorf seconded the motion and it carried unanimously.

Conclusion 6. Commissioner Varone moved to change this conclusion to read: This proposal would not have significant adverse effects on cultural and historic resources. ~~, but the conditions of approval are designed to mitigate the adverse impacts identified above.~~ Commissioner Loendorf seconded the motion and it carried unanimously.

Conclusion 11. Commissioner Varone moved to modify the sentence to read: This proposal does not comply with access requirements, but would upon obtaining an approach permit from MDT. Commissioner Loendorf seconded the motion and it carried unanimously.

The motion to approve the proposal as amended carried unanimously.

Resolution Declaring County Property Surplus Property. Ron Alles reported that the Forestvale Cemetery wishes to trade in and surplus a John Deere F525 mower. The mower is on a two-year rotation cycle. Commissioner Varone moved to approve and authorize the chair to signed. Commissioner Loendorf seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 10:10 a.m.